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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,559	03/01/2002	Richard P. Lamothe	4341-32-1	2177

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EXAMINER

PETERSON, KENNETH E

ART UNIT	PAPER NUMBER
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3724

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DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/087,559

Applicant(s)

LAMOthe, RICHARD P.

Examin r

Kenneth E Peterson

Art Unit

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-- The MAILING DATE of this communication appears on th cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,8-10,17,20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,11-16,18,19,21 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 4,18,19, 21 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not understood how the slave roller 246 drives the slit web faster than the master roller, as set forth on lines 6 and 7 of page 6. Other portions of the specification and claims seem to indicate that there is slipping between the slave roller and the slit web such that the slit web does *not* move faster than the master roller.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,4,6,11,12,16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kishine et al.

Katz shows a web handling apparatus having most of the recited limitations including a "utilization device" (136), plural slitters (142,144,146), a cross-cutter (164), a

driven master and slave rollers (left of cross-cutter in figure 8) and plural turnbars (150,151,157).

In regards to claim 16, the slitters and turnbars are "bypassable" by manually pulling the web to circumnavigate them.

Katz's slave roller is not faster than the master roller, nor is it "directly coupled" to the master roller. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have some of the rollers exceed the speed of the web and to exceed the speed of other rollers so as to maintain a certain tension in the web. An example of such technology is shown by Kishine et al., who shows a web handling apparatus having turnbars and a few rollers that go faster than other rollers (see abstract). It would have been obvious to one of ordinary skill in the art to have modified Katz by making his slave roll go faster than the advancing web, as is well known and taught by Kishine, in order to properly tension the web.

Examiner further takes Official Notice that it is well known in the art of web handling conveyors to have multiple rollers coupled to one another to decrease the numbers of drives necessary. An example of such technology is shown by Kishine et al., who has plural rollers (5,10,11) coupled to one drive (33a). It would have been obvious to one of ordinary skill in the art to have made Katz's slave roller and master roller be directly coupled to one another, as is well known and exemplified by Kishine, in order to decrease the number of drives and therefor decrease the cost of manufacturing the machine.

5. Claims 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kishine, as set forth above, and further in view of Hamlin.

Katz, as modified above, shows a web handling conveyor with all of the recited limitations except the turnbars are not angle-adjustable. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the turnbars be angle-adjustable. An example of such is seen in Hamlin, who shows turnbars (18) that can be set at any angle. It would have been obvious to one of ordinary skill in the art to have made Katz's turnbars be angle-adjustable, as is well known and taught by Hamlin, in order to best align the turnbars.

6. Claims 1,4,6,11,12,14,15,16,18,19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kashine, as set forth above, and further in view of Miyaji and Miller.

Katz, as modified above, shows a web handling conveyor with all of the recited limitations except the slit webs do not wrap all the way around the turnbars by 270° or more. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the slit web wrap 350° around the turnbar (for example, see Miyaji's turnbar 20) or to have the web wrap around the turnbar by multiples of 360° (for example, see Miller). It would have been obvious to one of ordinary skill in the art to have Katz employ the turnbars that get wrapped one or more times by the web, as is

well known and taught by Miyaji and Miller, since they are art recognized equivalents known for the same purpose of laterally shifting the web to align with another web or with another tool feature. See MPEP 2144.06.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. in view of Kishine, Miyaji and Miler as set forth above, and further in view of Hamlin.

Katz, as modified above, shows a web handling conveyor with all of the recited limitations except the turnbars are not angle-adjustable. However, Examiner takes Official Notice that it is well known in the art of web handling conveyors to have the turnbars be angle-adjustable. An example of such is seen in Hamlin, who shows turnbars (18) that can be set at any angle. It would have been obvious to one of ordinary skill in the art to have made Katz's turnbars be angle-adjustable, as is well known and taught by Hamlin, in order to best align the turnbars.

8. Applicant's arguments have been fully considered but they are not persuasive.

Applicant has overcome the objection to the drawings.

Applicant has overcome most of the rejections under 35 USC 112. Further explanation is required for Examiner to understand how one ribbon of paper moves faster than another ribbon of paper when they are both still connected to the same base sheet. Would not ripping occur?

Applicant has overcome the rejection under 35 USC 102 by Katz.

Applicant argues against the rejection under 103 by Katz and Kishine, and notes that new limitations have been added so that the master roller and slave roller are "directly coupled". The phrase "directly coupled" could mean many things, such as "geared together", "belted together" or "mounted on the same frame". Regardless of interpretation, it is quite common to couple the drives of adjacent rollers, to reduce the number of drives required and therefor save costs.

Applicant argues that Kishine does not show a fast slave roller working in conjunction with a slower master roller. However, this does not change the fact that Kishine teaches that it is advantageous to speed up *any* single web processing roller from amongst a plurality of web processing rollers, in order to better tension the web for accurate processing. In this case, Kishine's teaching are applied to the top roller of Katz, and need not necessarily be applied to the bottom roller of Katz. Furthermore, as noted by the taking of Official Notice, this is a common feature in web processors and additional references can be provided if necessary.

As an aside, it is not clear to the Examiner why this is a critical feature. It appears from Applicant's specification that the slave roller is driven faster so that ribbon 224 is tensioned and therefor accurately matched with ribbon 264, which is driven by the master roller. However, both ribbons 224 and 264 follow tortuous paths and would seem that both would need to be tensioned. Why tension one more than the other? Furthermore, both the slave roller and master roller form a pinching nip with rollers 244, thus effectively controlling the positioning of the ribbon, so why is additional tensioning required?

Has Applicant taken into account how easily a competitor could get around the limitation of the slave roller being faster than the master roller? The simplest way would be for a competitor could just place the master roller on top and make it go faster than the lower slave roller. A second way would be to have a slight rearrangement of turnbars and supporting rollers such that both ribbons required the same tensioning and therefore the master and slave roller could be run at the same speed. A third way would be for a competitor to run the slave roller faster than the master roller, but to have them "indirectly coupled".

9. Made of record but not relied on is a patent to Anthony & Taylor showing a pertinent turnbar system.
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

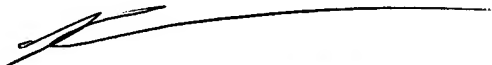
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ken Peterson whose telephone number is 703-308-2186. The examiner can normally be reached on Monday thru Thursday between 7am and 4pm.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

kp
March 24, 2004



KENNETH E. PETERSON
PRIMARY EXAMINER